

Application No.: 10/735,252

Docket No.: JCLA10634

REMARKS**I. Present Status of the Application**

The Office Action rejected claims 1-16 and 18 under 35 U.S.C. § 102(b) as being anticipated by Walker et al. (US 4,617,343), and rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. in view of Honig et al. (US 3,705,164).

Upon entry of the amendments in this response, claims 1, 3, 5-9, 11, 13 and 18 are amended; claim 2 is canceled. Hence, claims 1 and 3-18 remain pending in the present application. Claim 1 is amended by incorporating a further defined feature from the original claim 2, and claim 9 is amended by further define the scope of the invention. Applicants believe that the foregoing amendments do not introduce new matter. Thus, reconsideration of those claims is respectfully requested.

II. Response to Rejections**A. Rejections under 35 U.S.C. § 102(b)**

The Office Action rejected claims 1-16 and 18 under 35 U.S.C. § 102(b) as being anticipated by Walker et al. (US 4,617,343). Applicants respectfully traverse the rejection as applied to the amended claims for at least the reasons set forth below.

To anticipate a claim, the prior art reference must teach each and every element of the claim. M.P.E.P. § 2131.

Application No.: 10/735,252

Docket No.: JCLA10634

The independent claims 1 and 9, as amended, are directed to an emulsion type adhesive applicable for over-laminating films, wherein the emulsion contains: (a) 60 to 99.5 parts per hundred of monomers of one or more alkyl acrylates containing 4-12 carbon atoms in the alkyl group; and (b) 0.5 to 40 parts per hundred of monomers of an alkyl acrylate or alkyl methacrylate containing 1-3 carbon atoms in the alkyl group. Here, the component (b) can be used to enhance peel adhesion and holding power.

Walker et al. disclose a polymer containing "(a) at least 40%, preferably at least 70%, by weight of an acrylic or methacrylic acid ester monomer containing 4 to 12 carbon atoms or mixture of such esters" (column 2, lines 20-48), but fail to disclose the aforementioned component (b) of the invention as recited in claims 1 and 9.

Apparently, a person of ordinary skill in the field of the invention would consider that the polymer disclosed by Walker et al. is different from the emulsion type adhesive recited in claims 1 and 9 of the present invention.

Therefore, Walker et al. do not anticipate claims 1 and 9, as amended, since Walker et al. do not disclose each and every element of the claims. Consequently, Walker et al. do not anticipate claims 3-16 and 18, as they are dependent on claim 1 or 9 of the present invention.

Accordingly, Applicants respectfully submit that the grounds of rejection have been addressed and the rejection has been overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

Application No.: 10/735,252

Docket No.: JCLA10634

B. Rejections under 35 U.S.C. § 103(a)

The Office Action rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. in view of Honig et al. (US 3,705,164). Applicants respectfully traverse the rejection as applied to the amended claims for at least the reasons set forth below.

In determining the differences between the prior art and the claimed invention, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. M.P.E.P. § 2141. To establish *prima facie* obviousness of a claimed invention, all the claim limitation must be taught or suggested by the prior art. M.P.E.P. § 2143.

Claim 9 of the Applicants' invention are to provide a method comprising the step of mixing an alkyl acrylate containing 4-12 carbon atoms in the alkyl group, an alkyl acrylate containing 1-3 carbon atoms in the alkyl group or an alkyl methacrylate containing 1-3 carbon atoms in the alkyl group, a dicarboxylic acid, soft water and an organic acid vinyl ester, and then adding a reactive surfactant so as to obtain a pre-emulsion. As discussed in the foregoing section, Walker et al. do not disclose the step of mixing components which includes "an alkyl acrylate containing 1-3 carbon atoms in the alkyl group or an alkyl methacrylate containing 1-3 carbon atoms in the alkyl group."

Here, claim 17 is dependent on claim 9 and thus inherits all features of claim 9. Even after using the agents of Honig et al., i.e., combining Honig et al.'s agents into Walker et al.'s method, the resulting method as a whole would still be different from that of claim 17 of the present invention. Thus, claim 17 is not rendered obvious over the prior art references.

Application No.: 10/735,252

Docket No.: JCLA10634

Accordingly, Applicants respectfully submit that the grounds of rejection have been addressed and the rejection has been overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

Application No.: 10/735,252

Docket No.: JCLA10634

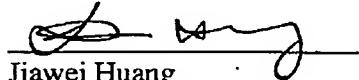
CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,
J.C. PATENTS

Date: 11/18/2004

4 Venture, Suite 250
Irvine, CA 92618
Tel.: (949) 660-0761
Fax: (949)-660-0809


Jiawei Huang
Registration No. 43,330